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11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 CR05-0629 MAG  
16 No. 305-70548  
17  
18 UNITED STATES OF AMERICA, )  
19 Plaintiff, )  
20 v. )  
21 ROSSIE HAWKINS, )  
22 Defendant. )  
23 \_\_\_\_\_)

24 [PROPOSED] ORDER AND  
25 STIPULATION FOR CONTINUANCE  
26 FROM SEPTEMBER 29, 2005 TO  
27 OCTOBER 14, 2005 AND EXCLUDING  
TIME FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVER OF TIME  
LIMITS UNDER FED. R. CRIM. P. 5.1

28 With the agreement of the parties, and with the consent of the defendant, the Court enters  
this order scheduling a further hearing date of October 14, 2005 at 9:30A.M. before the duty  
magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under  
Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18  
U.S.C. § 3161(b), from September 29, 2005, to October 14, 2005. The parties agree, and the  
Court finds and holds, as follows:

- 24 1. The defendant has been released on her own recognizance.
- 25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
27 preparation, taking into account the exercise of due diligence.
- 28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2       4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5       5. The Court finds that, taking into account the public interest in the prompt disposition  
6 of criminal cases, these grounds are good cause for extending the time limits for a preliminary  
7 hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court  
8 finds that the ends of justice served by excluding the period from September 29, 2005 to October  
9 14, 2005, outweigh the best interest of the public and the defendant in a speedy trial. §  
10 3161(h)(8)(A).

11       6. Accordingly, and with the consent of the defendant, the Court (1) sets a further hearing  
12 date before the duty magistrate judge on October 14, 2005, at 9:30A.M., and (2) orders that the  
13 period from September 29, 2005 to October 14, 2005 be excluded from the time period for  
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: 10/03/05

/S/ Daniel Blank  
DANIEL BLANK  
Assistant Federal Public Defender  
Attorney for Defendant

20  
21  
22 DATED: 10/04/05

/S/ Robert D. Rees  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24 IT IS SO ORDERED.

25  
26  
27 DATED: October 5, 2005

  
HON. JOSEPH SPERO  
United States Magistrate Judge